IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

WP(C).No. 11151 of 2007(C)

PETITIONER:

BHANUMATHI, AGED 62 YEARS,
W/O.DAMODARAN NAMBIAR, 'PADMASREE' MANATHERI,
CHITTARIPARAMBA, KANNUR DISTRICT.

BY ADV. SRI.M.SASINDRAN
SRI.TOJAN J. VATHIKULAM

RESPONDENTS:
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1. THE VILLAGE OFFICER, MANATHERI,
MANAGHERI, CHAPPARAPADAV, KANNUR DISTRICT.

2. THE TAHSILDAR, REVENUE RECOVERY,
THALASSERY, KANNUR DISTRICT.

3. THE MANAGER, SYNCIATE BANK,
THOKKILANGADI BRANCH, THOKILANGADY, KANNUR DIST.

4. MADHUSOODANAN NAMBIAR,
S/O.KUNHIRAMAN, MANANTHERI P.O.,
CHITTARIPARAMBA, KANNUR DISTRICT.

R1&2 BY G.P. SRI.MOHAMMED RAFFIQ
R3 BY ADV. SRI.R.S.KALKURA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE PRELIMINARY DECREE DT.18.10.2006 IN O.S. NO.150/2004.

P2: TRUE COPY OF THE ELECTORAL IDENTITY CARD OF THE PETITIONER.

P3: TRUE COPY OF R.R. NOTICE.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.11151 of 2007

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Dated this the 29th day of May, 2007.

JUDGMENT

The petitioner is challenging attachment of movables from her house for recovery of arrears due from 4th respondent who is petitioner's brother. The defaulter is not residing with the petitioner. The other surety is petitioner's husband who is also living separately and not with her. It is pertinent to note that the house belongs to the petitioner and not her husband. Movable properties of the family also was subject matter of partition suit among petitioner, 4th respondent and other family members. In the circumstances, respondents 1 and 2 are prohibited from attaching any movables in petitioner's house which obviously are petitioner's properties. However, respondents 1 and 2 are free to identify movable and immovable properties of the defaulter and the guarantor and proceed to attach and sell the same. If the third respondent-Bank is interested, it is for them to identify the properties of the defaulter and the guarantor and co-ordinate with the recovery authorities with information to help easy recovery.

The W.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms